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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,551	11/12/2003	Karl W. Terry	7124.024	6905

30589 7590 06/29/2005

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EXAMINER

ZIMMER, MARC S

ART UNIT	PAPER NUMBER
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1712

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Examiner-Initiated Interview Summary</b>	<b>Application No.</b> 10/706,551	<b>Applicant(s)</b> TERRY ET AL.	
	<b>Examiner</b> Marc S. Zimmer	<b>Art Unit</b> 1712	

**All Participants:**

**Status of Application:** non-finally rejected

(1) Marc S. Zimmer.

(3) \_\_\_\_\_

(2) Douglas Sorocco.

(4) \_\_\_\_\_

**Date of Interview:** 17 May 2005

**Time:** \_\_\_\_\_

**Type of Interview:**

- ☒ Telephonic  
☐ Video Conference  
☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☐ Yes ☐ No  
 If Yes, provide a brief description:

**Part I.**

Rejection(s) discussed:

Claims discussed:

Prior art documents discussed:

*Terry et al., U.S. Patent # 6,342,097*

**Part II.**

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

*See Continuation Sheet*

**Part III.**

- ☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.  
☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

*Marc Zimmer*

(Examiner/SPE Signature)

(Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed: Applicant was advised that the Examiner had erred by not making an obviousness-type double patenting rejection of the claimed article in view of the composition claims set forth in U.S. Patent # 6,342,097, which had evolved from parent application 09/553,583. Although they belong to different statutory lines of invention, the litmus test for obviousness-type double patenting is whether or not the claims could reasonable have been separated by restriction. In the Examiner's estimation, they would not have been restrict-able. Insofar as the instant process employs a coating composition comprised of precisely the same materials as are essential to the composition claims of the patent, obviousness type double patenting rejections are merited. Applicant was asked to file a terminal disclaimer thereby precluding the Examiner from making this rejection and, hence, to expedite prosecution. .